

## **A G E N D A**

### **BOARD OF SHELBY COUNTY COMMISSIONERS**

#### **CHARTER FORM OF GOVERNMENT**

**JUNE 9, 2003**

**1:30 P.M. COMMISSION CONVENES**

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Sessions**  
**May 5, 2003**

### **C O N S E N T   A G E N D A**

#### **Resolutions of Memorial, Sympathy and Commendation**

- |                            |   |
|----------------------------|---|
| <b>HOOKS</b>               | 1. <b>Resolution commending the White Station High School “Spartans’ Boys Basketball Team” as the Class AAA 2003 Tennessee Secondary School Athletic Association (TSSAA) Boys Basketball State Champions.</b> |
| <b>LOEFFEL</b>             | 2. <b>Resolution acknowledging and commending the 2003 recipients of the Rotary Award for Teacher Excellence.</b>   |
| <b>LOEFFEL<br/>LILLARD</b> | 3. <b>Presentation of Resolution of Commendation adopted on May 5, 2003 to Mr. Barry McGee, Principal of Raleigh-Egypt Middle School.</b>   |

#### **Ordinances**

- |                          |   |
|--------------------------|---|
| <b>KIRK</b>              | 4. <b><u>ORDINANCE – FIRST READING</u> – Ordinance fixing the tax rate for Shelby County for the Year 2003.</b>   |
| <b>KIRK<br/>THOMPSON</b> | 5. <b><u>ORDINANCE – SECOND READING</u> – An Ordinance to amend Shelby County Code of Ordinances, Section 20-30(c) in order to amend the Schedule of Court Costs therein.</b>   |
| <b>HOOKS</b>             | 6. <b><u>ORDINANCE – SECOND READING</u> – Ordinance amending Chapter 22, Article I of the Code of Ordinances of Shelby County regarding the posting of notices or other signs in county right-of-way, parks or other public property.</b> |

### **Zoning and Subdivisions**

- |             |   |
|-------------|---|
| <b>MOSS</b> | <b>7. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.</b> |
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### **Reports and/or Resolutions of Standing Committees**

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|-------------|---|
| <b>KIRK</b> | <b>8. Resolution appropriating \$125,000.00 from FY2003 CIP Project No. 101911, MIFA, for the renovation of the MIFA Headquarters.</b>  |
| <b>KIRK</b> | <b>9. Resolution appropriating \$100,000.00 from FY2003 CIP Project No. 101935, WKNO, to assist in the funding for the renovation of its current facility and for the addition of a new technology center.</b>  |
| <b>KIRK</b> | <b>10. Resolution to amend the Operating Budget for the fiscal year ended June 30, 2003.</b>  |
| <b>KIRK</b> | <b>11. Resolution to amend the Operating and Debt Service budgets for the fiscal year ended June 30, 2003.</b>  |
| <b>KIRK</b> | <b>12. Resolution approving the FY2004 Budget of the Center City Commission.</b>  |
| <b>KIRK</b> | <b>13. Resolution to request unclaimed balance of accounts remitted to state treasurer under Unclaimed Property Act.</b>  |
| <b>KIRK</b> | <b>14. Resolution calling the Shelby County Board of Equalization into Special Session for Tax Year 2003.</b>   |
| <b>KIRK</b> | <b>15. Resolution to set the funding for Plans A and B of the Shelby County Retirement System to reflect the 2001 Valuation Report from William M. Mercer, Inc.</b>   |
| <b>KIRK</b> | <b>16. Resolution extending and renewing the contract with Mendola &amp; Associates in the amount of \$548,550.00 and appropriating said amount in the fiscal 2003-04 Operating Budget of the Shelby County Assessor. Contract is for the audit of tangible personal property accounts within Shelby County for calendar year 2003.</b> |
| <b>KIRK</b> | <b>17. Resolution awarding contract to Dunbar Armored for armored motor service in the amount of \$91,356.00 for the period July 1, 2003 through June 30, 2004, and authorizing the county mayor to enter into said contract on behalf of the Shelby County Government.</b>   |

KIRK	18.	Resolution approving expenditures of \$14,584.66 for purchase of Electronic Access Control System for the Shelby County East Complex; authorizing the mayor to execute Outside Contracts in amounts not to exceed \$14,584.66; and appropriating funds from the FY2002/03 Budget for CIP Project No. 101710, Office Buildings, in the amount of \$14,584.66.
KIRK	19.	Resolution approving expenditures in the amount of \$189,376.20 to Corporate Express for the purchase of various items of office supplies for departments of Shelby County Government.
KIRK	20.	Resolution amending the FY2003 Operating Budget of the Shelby County Clerk to provide adequate funding for personnel expenditures.
KIRK	21.	Resolution to approve contracts with the State of Tennessee to make an intergovernmental transfer to the State of Tennessee in the amount of \$18,386,215.00 to receive a two percent administrative fee from the State of Tennessee and for Oakville Health Care Center to receive a Medicaid disproportionate share payment in the amount of \$18,386,215.00.
KIRK (Deferred to 6/23)	22.	Resolution appropriating \$250,000 from fY2003 CIP Project No. 101922, The University of Memphis Fedex Emerging Technology Complex, to assist in the funding for the development of the Fedex Emerging Technology Complex Project.
FORD	23.	Resolution approving expenditure of funds by Shelby County Government to Dandridge Equipment, Inc. for the purchase of a tractor with boom mower in the amount of \$54,200.00.
FORD	24.	Resolution to award a contract to W.L. Sharpe Contracting L.P. for the North Circle Road Bridge and approaches over Frog Creek, to appropriate funds in the amount of \$335,102.23 and to appropriate extra work allowance in the amount of \$33,510.22 from the FY2002-2003 Budget for CIP Project No. 100111, Bridge Maintenance and Repair.
FORD	25.	Resolution to award contract to Ferrell Paving, Inc. for the Brunswick Road bridge over Paige Creek, to appropriate funds in the amount of \$457,574.35 and to appropriate extra work allowance in the amount of \$45,757.43 from the FY2002-2003 budget for CIP Project No. 100111, Bridge Maintenance and Repair.
FORD	26.	Resolution approving a contract with Eaton-Moery Environmental Services, Inc. for the hauling and handling of waste tires in the amount of \$3,340,645.00.

<b>FORD</b>	<b>27.</b>	<b>Resolution authorizing the Shelby County Division of Public Works to apply for a Tire Recycling Grant.</b>
<b>FORD</b>	<b>28.</b>	<b>Resolution authorizing the Shelby County Division of Public Works to apply for a Roadside Litter Grant.</b>
<b>FORD</b>	<b>29.</b>	<b>Resolution authorizing the mayor to enter into a joint funding agreement with the City of Lakeland for the construction of improvements to Canada Road from I-40 to U.S. Highway 64.</b>
<b>FORD</b>	<b>30.</b>	<b>Resolution authorizing the mayor to enter into a contract with DLR Group, Inc. in the amount of \$31,391.20 for the remedial design to stop storm water infiltration and to correct other construction deficiencies at the Mike Rose Soccer Stadium, appropriating funds in the amount of \$41,391.20 from the FY2002-03 CIP Budget for Project No. 101109, Soccerplex to fund this project, and amending the FY2002/03 Budget.</b>
<b>LILLARD</b>	<b>31.</b>	<b>Resolution authorizing execution of a purchase and sale agreement with the Illinois Central Railroad Company as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on May 15, 2003.</b>
<b>RENDTORFF</b>	<b>32.</b>	<b>Resolution to approve a subcontract between the Health Department and Memphis Health Center, Inc. to operate the Special Supplemental Food Program for Women, Infants and Children (WIC) for the period October 1, 2002 through September 30, 2003 in the amount of \$100,000.00.</b>
<b>RENDTORFF</b>	<b>33.</b>	<b>Resolution requesting approval to amend the Memphis and Shelby County Health Department's FY2002-03 Operating Budget and to appropriate funds in the amount of \$31,344.00 carried forward from FY2001/2002 to FY2002/2003 in the National Institute of Health Grant Program.</b>
<b>RENDTORFF</b>	<b>34.</b>	<b>Resolution to approve acceptance of a grant from the Agency for Healthcare Research and Quality (AHRQ) to the Memphis and Shelby County Health Department in the amount of \$15,000.00 for the purpose of coordination of the Memphis HIV/AIDS Symposium for the period September 30, 2002 – September 29, 2003 and establishing one (1) new FY2002/2003 Operating Budget.</b>
<b>RENDTORFF</b>	<b>35.</b>	<b>Resolution amending the FY2002-2003 CIP Budget and approving expenditures of \$100,000.00 for renovation of space in the Shelby County East Complex for the Health Department; authorizing the mayor to execute outside contracts in amounts not to exceed \$75,000.00 from in-house construction funds for renovation; and appropriating funds from the FY2002-03 Budget for CIP Project No. 101725, In-House Construction, in the amount of \$75,000.00.</b>

THOMPSON	36.	Resolution approving expenditure of funds in the amount of \$8,325,000.00 to the City of Memphis for joint capital expenditures for the proposed Joint Radio Communications Systems upgrade and appropriating \$8,325,000.00 from fiscal year 2003 CIP Budget Project No. 101729, Communication Systems.
THOMPSON	37.	Resolution approving expenditure of funds in the amount of \$164,500.00 to Tricor for the purchase of 700 multi-purpose lockers for the Shelby County Division of Corrections from the FY2002/03 Operating Budget.
THOMPSON	38.	Resolution appropriating funds and approving a contract between Shelby County Government and M/A Com Private Radio Systems, Inc. in the amount of \$125,000.00 for Sheriff's two way radio system.
THOMPSON	39.	Resolution to approve a contract with Corrlogic, Inc. for programming enhancement of their JMS (Jail Management System) and their IMS (Institutional Management System) software products, and to appropriate O&M funds in the amount of \$291,000.00 from the FY2002/03 Budget, Account #101-201802-6634.
THOMPSON	40.	Resolution amending the FY2002/03 Byrne Grant Budget of the Office of the District Attorney General for the West Tennessee Violent Crime and Drug Task Force to permit the transfer of funds from Operations and Maintenance to Personnel expenditures.
THOMPSON	41.	Resolution approving expenditure of funds in the amount of \$75,000.00 for use of laundry service (pick up, wash, dry and delivery) from Porter Street Laundry for the Sheriff's Office Jail Division, Laundry.
THOMPSON	42.	Resolution approving expenditure of funds from FY2002/03 Operating Budget to Landers Ford in the amount of \$309,000.00 for the purchase of (15) 2003 model police pursuit vehicles for the Sheriff's office.
THOMPSON	43.	Resolution to approve a contract between Casto Information Management Systems, Inc., and the Office of the Criminal Court Clerk and to appropriate funds from the 2002/03 Operations and Maintenance Budget.
THOMPSON	44.	Resolution authorizing Shelby County Government to accept \$111,111.00 in local law enforcement block grant (LLEBG) funds from the City of Memphis Police Department for medical detoxification services, to expend said grant proceeds via contract with UT Medical Group, Inc. as provider of said services and to amend the FY2002/2003 Operating Budget.

<b>LOEFFEL</b>	<b>45.</b>	<b>Resolution appropriating \$2,047,187.25 from the FY2003 CIP Budget Project No. 101912, Memphis and Shelby County Public Libraries for Shelby County's contribution toward the construction of the Whitehaven Branch Library.</b>
<b>LOEFFEL</b>	<b>46.</b>	<b>Resolution appropriating \$1,910,416.50 from the FY2003 CIP Budget Project No. 101912, Memphis and Shelby County Public Libraries for Shelby County's contribution toward the construction of the Cordova Branch Library.</b>
<b>LOEFFEL</b>	<b>47.</b>	<b>Resolution appropriating up to \$71,575.00 from the FY2003 CIP Budget Project No. 101912, Memphis and Shelby County Public Libraries, for Shelby County's contribution toward computer upgrade for various branch locations.</b>
<b>RENDTORFF</b>	<b>48.</b>	<b>Resolution to approve Amendment #1 to the Shelby County Community Services Agency Commodities Program contract due to additional funds from the Tennessee Department of Agriculture and to amend the FY2003 Operating Budget from \$119,605.00 to \$129,605.00, an increase of \$10,000.00.</b>
<b>RENDTORFF</b>	<b>49.</b>	<b>Resolution rescinding the appropriation of \$618,743.00 from CIP Project No. 101911, Head Start, in Resolution No. 26 adopted by the Shelby County Board of Commissioners on November 24, 1997.</b>
<b>RENDTORFF</b>	<b>50.</b>	<b>Resolution to approve Amendment #1 to the Shelby County Community Services Agency Low Income Home Energy Assistance Program contract due to additional allocations from the Tennessee Department of Human Services and to amend the FY03 Operating Budget from \$3,245,933.00 to \$3,594,986.00, an increase of \$349,053.00.</b>
<b>RENDTORFF</b>	<b>51.</b>	<b>Resolution to accept federal grant funds in the amount of \$2,609,750 for the Head Start Program and to amend the FY2002/03 Operating Budget.</b>
<b>RENDTORFF</b>	<b>52.</b>	<b>Resolution amending the FY2002/2003 Operating Budget of the Division of Community Services, Special Funded Projects, and appropriating DUI treatment fine funds in the amount of \$48,500.00 and approving a contract with Midtown Mental Health Center for professional services.</b>
<b>MOSS</b>	<b>53.</b>	<b>Resolution appropriating funds in the amount of \$125,000.00 from the FY2002/03 CIP Budget for Project Number 101908, Shelby Farms, for paving in Shelby Farms under contract number CA033424, Asphalt Concrete Surfacing Program Phase 1 Area 1 and amending the FY2002/03 Operating Budget and the FY2002/03 Capital Improvement Budget.</b>
<b>FORD</b>	<b>54.</b>	<b>Resolution approving employer Access agreement with Health Choice, LLC for Shelby County's On-The-Job Injury program.</b>

- FORD

55.

Resolution to amend Item #27, adopted April 21, 2003 relative to approving policy for the care of Shelby County employees who have on-the-job injuries.
- FORD

56.

Resolution approving a one-year contract renewal amendment with Cigna Healthcare for the county’s self-insured Cigna POS Health Care Plan. Renewal of the plan does not include prescription drug coverage or Shelby County School employees and is for the period 7-1-03 through 6-30-04. Restructured costs of the plan were included in the county’s total health plan premium cost previously approved by resolution to become effective 7-1-03.
- MALONE

57.

Resolution appropriating \$512,500.00 in CIP funds from CIP Project No. 101901, Community Development funds for infrastructure improvements in Diamond Estates and Southern Heights subdivisions as part of the Middle Income Housing Program.

REGULAR AGENDA

Elections, Appointments and Confirmations

Ordinances

Zoning and Subdivisions

- MOSS

58.

CASE NO. P.D. 02-365 CC

APPLICANT: Turley L. P.

LOCATION: Northeast and southeast corners of Forest Hill-Irene Road and Nonconnah Blvd.

REQUEST: Planned Development amendment to:

1) Create a new Area 7A to allow Planned Commercial (C-P) use

2) Modify Areas 7 & 8 to allow single family home w/min lot sizes of 4,000 sq.ft.

3) Modify Area 6 to allow two (2) dwelling units per acre with Outline Plan

(Approved as amended in committee)

(Brian Bacchus, OPD)

Memphis and Shelby County Office of Planning and Development recommendation:

REJECTION

Memphis and Shelby County Land Use Control Board recommendation:

APPROVAL WITH CONDITIONS

MOSS

59.

CASE NO. P.D. 03-304 CC

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(Brian Bacchus, OPD)

APPLICANT: Michael Lightman, et al

LOCATION: Southeast corner of Holmes Road and Hacks Cross Road

REQUEST: Planned Development to allow limited uses in accordance with the Planned Commercial (C-P) District within the Outline Plan

Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL WITH CONDITIONS

(Approved in committee)

MOSS

60.

CASE NO. P.D. 03-310 CC

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(Carlos McCloud, OPD)

APPLICANT: CMCS, LLC

LOCATION: South side of Holmes Road; +195 feet east of Cherokee Rose Lane

REQUEST: The request is for a Residential Planned Development to allow for 48 lots with the average lot size of 10,000 square feet.

Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL WITH CONDITIONS

(Sent down without recommendation)

Reports and/or Resolutions of Standing Committees

- KIRK

61.

Resolution approving a compromise settlement in the case of George Nash vs. Shelby County, Tennessee, et al, Circuit Court Docket No. 004864-00, as recommended by the county attorney and approved by the administration.
- KIRK

62.

Resolution authorizing the Memphis-Shelby County Airport Authority to issue a series of Special Facilities Revenue Refunding Bonds, Series 2003 (Federal Express Corporation) in an amount not to exceed Forty-Five Million Dollars (\$45,000,000) for the purpose of current refunding the authority’s Outstanding special Facilities Revenue Bonds, Series 1993 (Federal Express Corporation).



KIRK  
LOEFFEL

**(Deferred to 6/23)**

63. Resolution of the Board of County Commissioners of Shelby County, Tennessee making provision for the raising annually by tax upon all property subject to taxation by Shelby County, Tennessee of a sum sufficient to pay, as the same shall become due, the interest on and principal amount of not exceeding Twenty-Nine Million dollars (\$29,000,000) of Special General Obligation Schools Bonds authorized by the initial resolution adopted by the Board of County Commissioners of Shelby County, Tennessee on April 7, 2003 for the purpose of financing schools, transportation equipment for schools, and for various school purposes for schools located outside the boundaries of the Board of Education of the Memphis City Schools; authorizing the use of a preliminary official statement, notice of sale, summary notice of sale, and bid forms in connection with the sale of such bonds; authorizing the county mayor to accept the best bids for the purchase of the bonds; prescribing the maximum interest rate to be borne thereby, the form thereof and certain details relating thereto; authorizing the execution and delivery of an official statement in connection therewith; providing for certain other matters deemed necessary and proper in connection with the issuance of said bonds; authorizing the proper officers to do all things necessary or advisable in connection with the sale of such bonds; and providing an effective date hereof.

KIRK

64. Resolution implementing a hiring freeze and restricting non essential purchases for all departments within the mayor's administration and all elected official's offices funded by General Fund Revenue.

WILLINGHAM

65. Resolution approving the Memorandum of Understanding between the County of Shelby, City of Memphis, Pyramid Arena Public Building Authority, and Lakes Entertainment, Inc. for consulting services regarding the potential conversion of the Pyramid Arena to a casino gaming facility and financial interest in its development and operations.

#### **Reports and/or Resolutions of Special Committees**

#### **Announcements and Statements**

66. Notification from County Mayor of various appointments/ Reappointments to Boards, Commissions, and offices of Shelby County Government.
- a. Resolution approving the county mayor's nomination of Bishop William Graves and David Perdue for reappointment and of Darrell K. Thomas for appointment to the Shelby County Healthcare Corporation. (Comm #3)

#### **Adjournment**

67. Resolution of Adjournment to June 23, 2003.

[For questions regarding this Agenda, please call  
Grace Hutchinson, Chief Administrator, at 545-4301.]